

The regular meeting of the Town Assembly of the Village of Arden was convened at 7:40 PM on January 23, 1989, Advisory Chairman, Marianne Cinaglia presiding in the absence of William Press, Chairman.

In attendance were:

Bill Press
Pat Press
Rae F. Gerstine
Sally Hamburger
Frank Young
Marianne Cinaglia
Connee Wright McKinney
Gail Rinehart
Anne Berlin
Skip Salkeld
Shaul Gladstone
Woodrow Vandever
Ethel Gordon Monfort
Eugene Shaw
Yvonne King
Jean K. Brachman
Maryellen Jobson

Tim Colgan
Joan Ware Colgan
Lee Starr
Tom Colgan
Aaron Hamburger
Harold Monfort
Carl Falco
Betty Knott
Helen Macklem
Carolyn Liberman
Barbara Fenske
Frank Akutowicz
Art Hurwitz
Clara Dossett
Chris Demsey
John Demsey

Elizabeth Varley Walk
Cy Liberman
Steven Threefoot
Lanier Colgan
Sally Thurston
A. Barnes King
Sue Rothrock
Alan Burslem
Maria Burslem
Don Holcomb
Dane Miller
Pat Pyle
Naomi Clark
Ruth F. Bean
Jannie Stearns
Richard Rothrock

Minutes of the September meeting approved.

Communications

Communications concerning the Naamans Creek sewage pipe will be read under Old Business.

Rep. Gwynne Smith tells us that the Planning Dept. will be holding a hearing on Feb. 7 about a proposed shopping center at Marsh & Naamans Rds. (Richardsons Market site). There will be an informational meeting tomorrow night at 7:30 at the City/County Building. Pat Liberman & Clara Dossett will attend.

COMMITTEE REPORTS

TRUSTEES - Shaul Gladstone

Land rents have been calculated according to the last Board of Assessors' report and bills are being prepared.

The Trustees were requested to investigate the right-turn-on-red situation at Marsh and Harvey Rds. from the standpoint of legality. Unfortunately, sections 4108 & 4164 of the Delaware Code make it perfectly legal to turn right on a red light from Marsh Rd. to either Sherwood or Harvey.

One suggested approach to the Highway Dept. would be to take pictures of "NO RIGHT TURN ON RED" signs on the Philadelphia Pike at both Harvey & Maple Rds. We can then go back to them and ask the justification for stopping traffic on the Pike while refusing to do so on Marsh Rd.

Discussion:

It was recommended that the Safety Committee accumulate a record of accidents and close-calls at the Marsh/Sherwood/Harvey intersection. Turning right from Marsh onto Harvey involves going through an intersection. Isn't this illegal?

ADVISORY - Marianne Cinaglia

Nominations for Assembly committees and offices:

AUDIT: Marianne Cinaglia, Mary Irons, John Page, Sue Rohrbach,
James Schwaber, Leon Tanzer.

BUDGET: Christine Demsey, John Page, Peter Renzetti, Dan Szurgyjlo,
Kate Threefoot, Larry Walker.

BUZZ WARE VILLAGE CENTER: Aaron Hamburger, Ruth Bean, Romeo Hubner,
Connee Wright McKinney, Sue Rohrbach,
Charles Salkeld, Jannie Stearns.

CIVIC: Clara Dossett, Carl Falco, Dane Miller, Steven Threefoot.

COMMUNITY PLANNING: Ruth Bean, Bonnie Burslem, Donald Holcomb,
Sandy Hurlong, Ethel Monfort, Gail Rinehart,
Marge Roberts.

LEGISLATIVE REFERENCE: Mary Brent Whipple. One candidate needed,

PLAYGROUND: Lou Bean, William Busch, James Farrell, Ted Heymann,
Mary Vernon. One candidate needed.

REGISTRATION: Jean Brachman, Lanier Colgan, John Dossett,
Sally Hamburger, Maryellen Jobson, Patricia Press,
Jannie Stearns, Elizabeth Varley Walker.

SAFETY: Tim Colgan, Ed Kelly, James Farrell, John Grimaldi,
Elizabeth Varley Walker. One candidate needed.

TOWN ASSEMBLY CHAIRMAN: Bill Press

ADVISORY CHAIRMAN: Marianne Cinaglia

TOWN ASSEMBLY SECRETARY: No candidate. Recommend we publish a
job description in the Arden Page and ask
for volunteers.

TOWN ASSEMBLY TREASURER: Rae Gerstine.

ARDEN ARCHIVES - Sally Hamburger

An exhibit of the pottery of Charlotte Curtis, followed by
a brief talk by Ethel Monfort, is planned for Feb. 4 at the Arden
Club dinner.

ASSESSORS - Cy Liberman

The new Board of Assessors has started to work. We have
decided to hold three public hearings this year instead of the
required two. The first of these will be one week from tomorrow,
on January 31 at 8 PM at the Buzz Ware Village Center. The
others will be on May 23 and June 1. If you have an opinion on
anything related to land rent in Arden, please tell us about it
at the hearing next week, or write us a letter anytime.

BUZZ WARE VILLAGE CENTER - Connee Wright McKinney

We are planning to purchase a new air-conditioner for use in
room 4. This 18,000 BTU air-conditioner will replace the old
machine that was in room 4 and belonged to the Wilmington
Montessori Assoc.; that machine was removed last summer. We
hope that this new machine will encourage use of the room for
meetings and special community events. We estimate the total cost
of the unit and installation at \$700; we plan to finance the
purchase by using our budgeted \$500 in town funds plus the
remainder coming from next year's funds.

Our committee sponsored two childrens' arts and craft days
in November. We had excellent turnout on both Sunday afternoons
and the children with the help of a wonderful artist named Rozie
Baugh, who volunteered her help, made ice sundae candles from old
crayons and wax and gifts for their pets. Our committee hopes to
organize another art session in the early spring.

As in the past two years, an Arden children's group will be
gathering in February to make items to sell to benefit the

Sunshine Foundation. We will be meeting every Saturday from 10 to noon in room 4. The sale will be on February 25 from 10 to 1. We will be selling notepaper, plants and irresistible items from the white elephant table. By way of background, the Sunshine Foundation is a nonprofit organization that provides dream-come-true trips for terminally ill or handicapped children. If you would like to give us a hand in making the crafts or have treasures to donate, you are more than welcome to come or contact me or Barbara Fenske. It is great fun.

The Wilmington Montessori Association has not yet indicated their future plans at the BWVC to our committee. Our committee continues to discuss possible future uses for the Buzz Ware Village Center and at our last meeting on January 16, Steve Autman, the director of the Claymont Community Center met and discussed the history of the CCC and the current programming under way there.

As of last town meeting, in June, there have been eleven meetings and two special events held at the BWVC. We encourage your use of the space and please remember that there are coffee (also decaf) and tea-making supplies in the brown metal cabinet in room 4 which are there for your use. Please enjoy.

Discussion:

It is unethical, if not illegal, to commit \$200 from the 1989/90 budget for the air-conditioner. That budget should be available to the new committee.

Moved that the BWVC Committee be authorized to spend up to \$700 for the purchase and installation of an air-conditioner. \$500 is to come from the current budget, \$200 from the contingency fund.

Motion carried unanimously.

CIVIC - Gene Shaw

The problem of the young man caught spray painting rocks in the creek is in the hands of a Magistrate.

The committee has given a contract to Knotts Construction to add 40 ft. of 12 inch pipe to the storm sewer that now ends on Aumack's property. The price is \$1250.

The committee, with a little boost from a few residents, has decided to install 2 speed humps on Sherwood Rd.
Garbage report:

When I got them, I told Mr. Laxton that his estimates were much too high and that I had another estimate for curb service considerably lower than his. We heard nothing from him until he came to my home on January 19 and said an irate citizen called him, said he did not like Arrow and that there was a strong feeling among a group that the committee should not accept his estimate and his behind-the-house service surpassed the budget limit.

I repeated that his estimates were out of line even after being warned that his curb price was underbid. I also reminded him that for years we had called about his men taking containers to the curb and leaving them there. This problem has greatly escalated and, in spite of our unanswered complaints, continues to grow.

If a lot of residents have to go to the curb to get their containers, we certainly are not getting the service we are paying \$40,000 for and, until January 18, were to be asked to pay \$49,728 for the coming year.

On January 19 Mr. Laxton showed up with a revised estimate of \$42,000 for behind-the-house service and \$32,000 for curbside service.

The Civic Committee reviewed his new estimate and unanimously voted against it. Our thinking is that the town certainly would not best be served by a company that, when they feel their position is almost impregnable, charge not what the job is worth, but what they think the traffic will bear. At the least it is not very ethical.

The committee, for quite a few years, has gotten estimates to show the financial benefit of curb service. These were rejected in the light of the more convenient behind-the-house service. We now know that a very high number of residents are not getting the service they pay a premium price for, and as long as we deal with the present company, we feel sure there is no light at the end of the tunnel. Not only has another company offered us curb service with a saving of \$15,596 a year even over Laxton's reduced estimate for behind-the-house service, but a saving of \$5,596 over Laxton's reduced curb price.

With these facts and figures to aid us, the Civic Committee decided unanimously to give the present contract to Arrow Disposal for \$26,404.* General pick-up: truck - \$45 per hour, men - \$7 per hour, dumping fees - \$37.50 per ton. 90 gallon wheel away containers may be purchased from the company for \$72 each.

Arrow is willing to give 3 year contracts with escalation clause. They will give house service for an extra \$60 per year to anyone not able to walk as far as the curb. This does not include apartments or homes that take roomers.

All containers must be removed from the curb and placed out of sight no later than dusk of collection day and only returned to the curb for the next collection as near to pick-up time as possible.

*Discrepancy between this and figures quoted at the September meeting is due to a recount of pick-up to be charged for.

Moved that the Civic Committee be directed to contract with Arrow Disposal Company for curbside service.

Discussion:

Pro:

- *Laxton gives bad service and has not responded to complaints. The contract does not provide for withholding payment except for missed pick-ups; that is not the problem.
- *Arden is the only community with behind-the-house service. Other communities do not look messy.
- *Before a garbage pick-up, approximately 35% of residents now put their cans at the curb. That, combined with unreturned cans, is not worth \$16,000.

Con:

- *Laxton has lowered the bid to \$500 below budget. Though the referendum did not specify behind-the-house service, this was implied.
- *If Laxton does not fulfill the contract, withhold payment. Bad service should be documented. Give Laxton specific instructions about handling cans.
- *We don't know what kind of service Arrow will give us, it may be as bad as Laxton's.

*Curbside service will make Arden look like a garbage dump. Ardenites are not accustomed to using peer pressure to make people tidy up. How will we force people not to leave their cans at the curb?

*The legality of the motion was questioned. The referendum approved a budget figure to cover behind-the-house service. This service was specified at the September meeting.

VOTE: 23 aye, 23 nay. Tie broken by Acting Chairman, Marianne Cinaglia.

Motion passed.

Formal challenge registered. The intent of the referendum was to continue behind-the-house service. The bid is within budget. This motion is illegal.

COMMUNITY PLANNING - Sally Thurston

Community Planning Committee is planning a long range project of publishing the Arden Book. Publication date will coincide with Arden's centennial. Contributions of information are being solicited.

In early December, our committee planted daffodil bulbs in the Memorial Garden. Contributions from several families and friends of loved ones were used to purchase bulbs. They were planted in such a way as to not pose a mowing hazard.

Ethel Monfort, the Memorial Garden Representative, has chosen Jannie Stearns to be her assistant to act in her absence. Rules for the Memorial Garden are part of our committee's record and copies are on file with Rae Gerstine and the Chairman of Town Assembly.

Second reading of proposed amendment to Ordinance #4 (Use of Commons).

Littering of any kind in the woods, streams or commons is prohibited. "Litter" includes, but is not limited to: cans, paper, building material, etc., and shall also include organic material, such as piles of leaves, hedge clippings and Christmas trees.

Any party who violates this ordinance and/or refuses to remove litter or repair damage in a timely manner shall be subject to a fine of \$50 or the cost of the clean-up.

PLAYGROUND - Mary Brent Whipple for Larry Walker

During the past quarter, the two required playground equipment inspections were made, and additional root mulch was spread under the equipment to cushion any accidental falls. All of the equipment is in safe condition and in good repair. The painting of the equipment was begun late in the fall, but the project was stopped when the weather turned too cold to allow proper drying. The project will be continued in the spring.

In the fall, Channel 10's Herb Dennenberg did a one week special report on dangerous playgrounds and recommended several things to improve equipment safety. When Playground Committee's procedures were reviewed, we found those recommendations had already been implemented years ago by the committee. We obtained a copy of Herb Dennenberg's free playground equipment safety checklist for our information. It appears that the exclusive use of good quality commercially manufactured

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playground, coupled with a regular maintenance program has given Arden a largely accident free playground equipment program over the past six years.

REGISTRATION - Sally Hamburger for Virginia Shaw

There are 396 eligible voters as of this date.

Results of the November Referendum:

Budget: Approved. The trash collection received 36 negative votes; the only item receiving more than 10 nays.

Assessors elected: Cy Liberman, convener, John Dossett, Aaron Hamburger, Yvonne King, Connee McKinney, Harold Monfort, Eugene Shaw. Alternate - Tom Colgan.

The committee will meet before the March meeting to determine the method we will use to tally the election. The ballot designed last year did not work. It was difficult to lay out, left too much room for error, and took just as much time as the old method.

SAFETY - A. Barnes King

John Hewlett, the alternate who replaced Don Berman on the committee was elected committee chairman. After John's death, Barnes King was elected chairman. The committee requested and received approval of Elizabeth Varley Walker as John Hewlett's replacement until the March election.

Several Stop signs and other traffic controls have been replaced or repaired.

A resident has requested that the Sweep be made one-way toward Harvey Rd. to ease growing traffic and parking problems. The committee will examine the Sweep's traffic and make a report to the town.

OLD BUSINESS

Discussion of Naamans Creek Interceptor

Communications - Sally Hamburger

A review of the minutes of the Community Planning Committee revealed that expected drainage problems in the Naamans Creek area were being studied in 1968. A very full report on the situation was sent to the Department of Planning in 1972.

Copies of the resolution passed by the September Town Assembly were sent to: Governor Castle, County Executive Rita Justic, Councilman Richard Cecil, Senator Myrna Bair, Representative Gwynne Smith, Representative Charles Hebner, and Director of the Department of Environmental and Natural Resources, Mr. Wilson.

Replies were received from:

Councilman Cecil - he is working on the situation.

Governor Castle's office - Apologies for the delay in answering.

The Governor supports any action that mutually benefits citizens.

County Executive Justice - The County will remove the overflow pipe on 12/31/88. Mrs. Justice said she was enclosing a copy of the report from the County Attorney's office, but no report was enclosed. Bob Wynn pursued the matter and we now have a copy of this 5 page report from Donald Marston, First Assistant County Attorney. The final paragraph reads:

"The County continues to believe that the overflow pipe is the environmentally preferable way to deal with overflows until the new sewer line can be built. However, the continuing threat by your office to seek a criminal indictment against the County for this pipe has left us no choice but to dismantle the pipe. This will be accomplished by December 31, 1988. Although we are confident that the actions we have taken thus far, as discussed above, will significantly reduce the chances of overflows from this line through manholes or into residences, there is no guarantee that such overflows will not occur. Yet, the existence of the overflow pipe and your stated objection to it has placed the County in an untenable position, leaving us no choice but to remove it."

Discussion - Bob Wynn

I am not sure where we go from here on this situation. The Attorney General does not know either. Are we moving toward a long term solution?

The County should have known the severity of the situation if they read their own data. They were measuring the quality of the water above and below the Phoenix Steel Plant. Before the installation of the overflow pipe they measured 50 units of biological contaminants, after the pipe went in they measured 2000 units.

Much good has happened. The sewage from Bethel Township has been diverted to the Shellpot interceptor. The sewer line has been cleaned out.

Currently, the County is pumping the overflow, during heavy rains, into trucks and taking it away. This seems a very expensive solution, is it overkill?

Bob Wynn was given a rousing vote of thanks from the Assembly for his efforts.

Is anyone checking on the effect of the new housing development going up on Harvey Rd.

GOOD AND WELFARE

Letters of condolence will be sent to the families of those in our community who have died since the last meeting: John Hewlett, David Ross and Barbara Mickewich.

Sally Hamburger